

CITY OF ALAMO HEIGHTS
CITY COUNCIL
April 12, 2010

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, 6120 Broadway, at 5:30 p.m. on Monday, April 12, 2010.

Present and composing a quorum were:

Mayor Louis Cooper
Mayor Pro-Tempore Susan Harwell
Councilmember Stan McCormick
Councilmember Bobby Rosenthal
Councilmember Jill Souter

Also attending were:

City Manager Ann Benson McGlone
Assistant City Manager/Public Works Director Shawn P. Eddy
City Attorney Mike Brenan
Communication/IT Manager Marian Ramirez
Finance Director Cynthia Barr
Community Development Director Brian Chandler
Fire Chief Bill Hagendorf
Police Chief Rick Pruitt

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Mayor Louis Cooper called the meeting to order at 5:35 p.m.

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Mayor Cooper asked City Council for any corrections to the minutes of the March 22, 2010, City Council Meeting. A motion was made by Councilmember Stan McCormick to approve the minutes of March 22, 2010. The motion was seconded by Mayor Pro Tem Susan Harwell and passed by unanimous vote.

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Item # 2 City Manager's Report

a. Texas Cavaliers invite Alamo Heights residents to meet King Antonio LXXXVIII at the Alamo Heights Pool, April 18, 1:30 p.m. – 3:00 p.m.

City Manager Ann McGlone introduced Bob Keahey, Texas Cavalier. He invited the public to meet King Antonio on Sunday, April 18th at the Alamo Heights Pool, from 1:30 p.m. – 3:00 p.m. Mayor Cooper presented Mr. Keahey a City of Alamo Heights Fiesta medal.

Ms. McGlone stated the Texas Cavaliers has invited the City and a fire truck, ambulance, and patrol cars will be displayed at the event. Police officers and City staff will be present to provide information about the Saint Program, upcoming dog park, community garden and nature trails.

b. Fiesta medal

Ms. McGlone presented the 2010 Alamo Heights Fiesta medal. Fiesta medals were distributed to those who were present at the Council meeting. Ms. McGlone mentioned the fiesta medals are free and available at City Hall; she encouraged residents to pick up their fiesta medals.

c. Pooch Parade and Dog Park Update

Ms. McGlone invited the community to attend a dog park meeting that is scheduled for Saturday, May 8th at the City Council Chambers from 9:00 a.m. – 10:30 a.m. The proposed dog park conceptual plan will be available for viewing at the Pooch Parade.

d. Trail Master Plan Meeting Announcement

Ms. McGlone informed City Council that in collaboration with the Friends of the Hondondo Creek, there is a meeting scheduled for Saturday, May 22nd at the Alamo Heights High School cafeteria to discuss a trail master plan.

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Councilmember Jill Souter informed City Manager Ann McGlone of a survey the Alamo Heights Neighborhood Association was conducting. Councilmember Souter requested the City Manager to provide an update at a future City Council meeting on the items that were listed on the survey, as they are projects currently conducted by the City of Alamo Heights.

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Citizens To Be Heard Concerning Non-Agenda Items

May O'Neal, 434 Abiso Avenue, expressed support to the existing tree ordinance. She also expressed appreciation for the information in the city's newsletter that educated residents about oak wilt. Ms. O'Neal stated citizens needed a list of approved arborists and instructions on how to spray damaged limbs.

Bill Kiel, 124 Corona Avenue, distributed to City Council a March 31st email titled "Major Questions and Concerns". Mr. Kiel stated the email contained misinformation on the following: 1) Water Tower, 2) Ladder Truck, 3) Change in ISO/benefits, and 4) Tree ordinance. Mr. Kiel addressed the questions that were mentioned in the email. Why is a water tower needed and why was it not built at the high school? Mr. Kiel stated that the City of Alamo Heights needed the water tower because the State of Texas ordered the city to increase the water capacity. There was a study conducted by PBS&J and the study

revealed that due to undersized water lines and low storage capacity, the city would not be able to battle a major fire at the high school without losing all of its water pressure. Although, the high school was an ideal site to place a water tower, the water tower was not placed at the high school because the Alamo Heights Independent School District (AHISD) would not grant permission to build a water tower. Mr. Kiel stated the ladder truck is necessary and the ISO insurance rating allows at least a 10% decrease in insurance rates for the residents. He stated that he received a 21.7% reduction in his personal insurance. Mr. Kiel replied that a tree ordinance is needed because residents value trees. Citizen input during the Comprehensive Plan confirmed this.

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Consent Items

Item # 4 Mayor Cooper read the following captions.

ORDINANCE NO. 1859

AN ORDINANCE DESIGNATING THE NORTH CENTRAL NEWS AS THE OFFICIAL NEWSPAPER FOR THE CITY OF ALAMO HEIGHTS

Item # 5 **AN ORDINANCE REPEALING CURRENT CHAPTER 5 AND ADOPTING A NEW REPLACEMENT CHAPTER 5 ALAMO HEIGHTS CITY CODE OF ORDINANCES**

Item # 6 **AN ORDINANCE ADOPTING A SEPARATE SCHEDULE OF DEVELOPMENT FEES**

Item # 7 **REQUEST FOR PERMISSION TO REFUND A DUPLICATE OR ERRONEOUS PROPERTY TAX PAYMENTS TO THE FOLLOWING TAXPAYERS**

Fred W. Knight & Ila M	215 LaMont	\$ 1,529.35
Barney Smith	239 Abiso	\$ 731.90
American Home Mortgage	282 Claywell Drive	<u>\$ 1,119.52</u>
	Total	\$ 3,380.77

A motion for approval was made by Councilmember Souter for Consent Items # 4 and 7. The motion was seconded by Mayor Pro Tem Harwell and passed by unanimous vote.

Items # 5 and 6 were pulled from the agenda to be considered next.

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Item #5 Mayor Cooper read the following caption.

ORDINANCE NO. 1860

AN ORDINANCE REPEALING CURRENT CHAPTER 5 AND ADOPTING A NEW REPLACEMENT CHAPTER 5 ALAMO HEIGHTS CITY CODE OF ORDINANCES

Mr. Chandler provided an update on the public input process, and outcome of the meetings with various business property owners. He highlighted the points of disagreement with the property owners.

Ms. McGlone acknowledged Mr. Nathan Lester, Building and Code Officer, on tracking all the requested changes and researching with neighboring cities on Chapter 5. Ms. McGlone also acknowledged Mr. Chandler for his time and hard work.

The following citizens spoke on this matter:

John Hertz, 316 Harrison Avenue, acknowledged the amount of time in dedication on the input and evaluation of Chapter 5 Code of Ordinances. Mr. Hertz expressed concern in the demolition process that does not preserve significant structures. He expressed the need to control demolition and encourage building materials to be reused. Mr. Hertz is supportive in the creation of an ordinance that allows or promotes the use of sustainable technology and materials. He requested City Council to address his concerns and City staff commits to the re-evaluation of Chapter 5 and return to City Council with a report within a year of adoption.

Jamie Boerner, 727 Patterson Avenue, provided family history with the City of Alamo Heights and expressed concern to the city to take control of demolitions. Ms. Boerner commented that she cares about the beauty of the city, the City, and neighbors. She thanked Councilmembers Souter and McCormick for their time in this effort. Ms. Boerner is supportive of Chapter 5.

David W. Monnich, 124 Castano Avenue, member of the Architectural Review Board (ARB) and the Building Regulatory Advisory Committee, supported the adoption of Chapter 5. He stated the current process is antiquated and city resources need to focus on real issues citizens bring up. Mr. Monnich stated the need of a streamlined and thorough process allows the city to keep track on what is going on, ensure that buildings are used properly, codes are enforced, and allow City officials to maintain life safety. Mr. Monnich stated the Certificate of Occupancy, permitting process, tree preservation, and the ARB are important to make sure voices are heard. Certificate of Occupancies are vital and assist the developer, owner, or landlord in multiple ways. Mr. Monnich noted that as he has worked in other communities, the City of Alamo Heights is behind. He stated that he attended multiple meetings, the meetings were thorough and there has been ample time for the item to be reviewed and considered. The process has moved from a subjective to an objective process. Mr. Monnich commented the City needs to move on and focus on other projects. Mr. Monnich applauded everyone's input and City Council allowing the public to be heard.

George Geis, property owner in Alamo Heights, stated there has been misinformation communicated. He stated that he did not convey information about removing the demolition and tree preservation portion in Chapter 5. He distributed a letter to the Mayor and City Council and read the letter out loud regarding Chapter 5 and the Schedule of Development Fees.

Bill Kiel, 124 Corona Avenue, supported the adoption of Chapter 5. Mr. Kiel agreed with Mr. David Monnich and Mr. John Hertz' comments. Mr. Kiel would like the city to move forward in the future with a stronger preservation and tree ordinance. He stated the ARB is extremely important and the proposed changes in the demolition process will be a better process. Mr. Kiel stated it is difficult for City Council to place restrictions on what could be demolished because of state law. He stated a district needs to be formed with the acceptance of property owners. Mr. Kiel invited residents to obtain information from him on forming a committee or volunteering. He encouraged City Council to pass the ordinance and allow movement on other projects.

Margaret Spencer, 140 Patterson, asked if the tree ordinance would be removed, is a resident allowed to cut any trees or abide by the list of preservation trees.

Councilmember Mc McCormick responded to Ms. Spencer that if the City of Alamo Heights abolish the tree ordinance, there would be no list of protected trees. Ms. Spencer recalled requesting City Council to place olive trees on the list and it was placed on the list. She expressed her appreciation.

Mayor Pro Tem Harwell emphasized to Ms. Spencer that there were public meetings and a committee process to address tree preservation. Mayor Pro Tem Harwell stated that now a few residents were requesting the tree preservation ordinance be removed, however; it is not an item to be considered at today's meeting.

Suzy Bettac, 126 Rosemary Avenue, member of the ARB, stated that she has received comments from residents asking why the ARB has allowed demolitions. Ms. Bettac responded to residents that under the current process, ARB does not consider residential projects. Ms. Bettac received feedback from residents expressing that they liked ARB as an extra safety factor. She stated with input and cooperation, ARB can work together with the community and play an ideal role to serve City Council in saving homes or making them fit the character within a neighborhood.

Mayor Cooper asked Mr. Chandler if a permit was required to change a light bulb. Mr. Chandler responded no. Mayor Cooper asked if you wanted to trim a 2 inch branch would it cost \$10. Mr. Chandler responded no. Mr. Chandler stated that routine maintenance is defined within Chapter 5, to include painting, drywall, and changing out fixtures, counter tops, and bulbs. Councilmember McCormick read the definition of routine maintenance.

Councilmember Souter thanked the Building Regulatory Advisory Committee, Mr. David Monnick and City staff for their time. She briefly provided a background on this item, which has been considered as long ago as 2 years. Councilmember Souter stated that feedback from residents and property owners' indicated the current process was difficult

and the current code was difficult to understand. She stated contractors requested that requirements be known up front, prior to working on a project. Councilmember Souter stated that Chapter 5 is a consolidation of chapters. The information is now easy to find and understand. She stated that Chapter 5 is a streamline for residents and business owners to provide immediate savings in time and money. Councilmember Souter stated since there has been lots of time dedicated on this item, there is a frustration among the residents waiting on the changes. Councilmember Souter noted that Councilmember McCormick and herself placed a one year evaluation be conducted to evaluate the changes.

Councilmember McCormick added that the re-evaluation of Chapter 5 in one year is to strive for constant improvements. Councilmember McCormick stated that Chapter 5 is not a new chapter it is a compilation of different codes that have existed for over 40 years, since 1965. Councilmember McCormick welcomed feedback on the tree ordinance and stated public hearings would be necessary before proceedings with any changes. He expressed that the state has laws regarding demolitions.

There was a discussion among City Council on other ways in which property owners have saved structures from demolitions. Homeowners have redesigned homes, listened to their neighbors or move a structure.

Councilmember Souter complimented the City Council on a great job in taking flaws without a historic ordinance in trying to balance property rights with neighbor's privacy rights. She has received compliments from residents on demolitions.

Councilmember Souter made a motion to include the following amendments (8):

Section 5-8 Appeals: Remove "qualified" from "The city manager or city manager's designee in consultation with the mayor shall appoint the board of appeals, consisting of qualified members with the appropriate expertise(s)."

Section 5-12 Fees: Add "shall be reviewed and adopted" to "Fees for the processing and issuance of plan reviews, permits, inspections, registrations, licenses or certificates shall be adopted annually by city council and listed in the schedule of development fees."

Section 5-13 Definitions: Add a definition for Reactive Complaint Investigation to be defined as "shall be complaints in which the City reacts by conducting an investigation."

Section 5-50 Permit required: Remove "including smoke detector systems" from the following, "fire protection or prevention systems including smoke detector systems"

Section 5-55 Permits subjects to review by the architectural review board: move the word "demolitions" after "new construction" to read: Building permits for all other new construction, demolitions, additions or alterations to structures that are not exempted in items (1), (2), (3), (4), (5), (6), (7), and (8) of section 5-54 shall be referred to the architectural review board for review.

Section 5-56 Submission of permit for review: Delete "The applicant shall have the opportunity to accept the recommended outside consultant."

Second to last sentence: Remove the word "second" before "publication" to read: The ordinance shall take effect five days after its publication.

The last sentence of the ordinance shall add "City Council and " in front of "staff" to read: "City Council and staff shall review these regulations and procedures after one-year from adoption and report any recommendations for revision thereafter to City Council."

Mayor Pro Tem Harwell inquired about retroactively applying the amendments to current applications. Mr. Brennan stated the law does not allow retroactively applying new standards to previously submitted applications and was opposed to the idea.

A motion for approval with amendments was made by Councilmember Jill Souter. The motion was seconded by Councilmember Bobby Rosenthal and passed by unanimous vote.

Mayor Pro Tem Harwell and Councilmembers Rosenthal and McCormick thanked the Board and Commissions, Neighborhood Character and Commercial Revitalization Committee, Building Regulatory Advisory Committee, City Staff and the public for all of their input and work. Councilmember Rosenthal stated concerns will be addressed in a short-term rather than long-term.

Mayor Cooper reaffirmed the City's intent to evaluate Chapter 5 within a year and suggested the City to do it on an annual basis for continued improvement.

Councilmember Souter asked City Attorney Mike Brennan if she may make an additional motion to address energy efficiency, green building standards, and incentives. Mr. Brennan responded to Councilmember to address these concerns at the next council meeting, April 26th.

Councilmember Souter directed the City Manager to bring before Council an agenda item to discuss a process for developing policies about energy efficiency, conservation, green building standards and other incentives to encourage appropriate development. Councilmember Souter stated the City Manager may report to City Council about the establishment of a committee, possibly 2 or 3 committees, if necessary.

Item # 6 Mayor Cooper read the following caption.

ORDINANCE NO. 1861

AN ORDINANCE ADOPTING A SEPARATE SCHEDULE OF DEVELOPMENT FEES

A motion for approval was made by Councilmember Rosenthal. The motion was seconded by Councilmember Souter and passed by unanimous vote.

Mayor Cooper welcomed any recommendations from the community on how to reach out to the community to better provide information or obtain citizen input. The City currently presents public information via email, internet, banners, postcards, and newsletters. Please let City staff or City Council know of other suggestions.

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Items for Individual Consideration

Item # 8 Mayor Cooper read the following caption.

ORDINANCE NO. 1862

AN ORDINANCE AMENDING CHAPTER 18 TRAFFIC OF THE CODE OF ORDINANCES, SUBSECTION 18-151 SCHEDULE F – ONE WAY STREETS, TO EXTEND THE EXISTING ONE-WAY TRAFFIC ZONE ON CAMBRIDGE OVAL FROM WILLIM STREET TO MORSE STREET ON SCHOOL DAYS ONLY

Police Chief Rick Pruitt made a PowerPoint presentation that included background information, and a map.

Chief Pruitt presented a map of the current safe flow of traffic for student loading zones located at Cambridge Elementary School, 1001 Townsend. He explained that this ordinance codified the existing practices. The ordinance would not change any of the current circulation.

Mayor Cooper commented that Mayor Pro Tem Harwell and himself have observed the traffic area and stated the traffic flow works remarkably well. Mayor Pro Tem Harwell stated she contacted people within the area to obtain any feedback and there was none.

Suzy Bettac, 124 Rosemary Avenue, referred to the Alamo Heights Independent School District's (AHISD) bond and stated she is familiar with the school bond proposal. Ms. Bettac stated that in the future, there may be a need to reconsider this item if the school bond is approved that may affect parking on Cambridge Oval.

Mayor Cooper stated the city does needs to know what the proposed parking changes are if the AHISD's bond is approved and stated City Manager Ann McGlone will obtain detailed information about the school's bond proposal.

Chief Pruitt added that the Police department is working with the Fire department to ensure designated fire zones for clear access at the elementary school.

Mayor Pro Tem Harwell emphasized that the current flow of traffic is not changed by this ordinance.

A motion for approval was made by Mayor Pro Tem Harwell. The motion was seconded by Councilmember Souter and passed by unanimous vote.

Item # 9 Mayor Cooper read the following caption.

AN ORDINANCE TO GRANT A LICENSE TO ENCROACH FOR A PERIOD OF FIVE (5) YEARS ON THE CITY RIGHT-OF-WAY AT 121 ENCINO AVENUE (AKA 119 ENCINO AVE) SUBMITTED BY JOANE DROUGHT, OWNER, FOR THE PURPOSE OF ENCLOSING AN AREA OF 427.5 SQ. FT. ALONG LAGOS AVENUE WITH A FENCE ON A PROPERTY ZONED SINGLE FAMLY - A

Community Development Director Brian Chandler presented a PowerPoint presentation that included background information, site plans and elevations. Staff recommended approval.

Mr. Chandler presented the site plans for the use of a City right-of-way for the private purpose of the installation of a fence and enclosing an area of 427 square feet along Lagos Avenue with a 6 ft stucco fence.

Licenses granted may be renewed by the City at the end of each five-year cycle. The proposed fence does not provide any obstruction to visibility along the right-of-way.

Mr. Chandler stated there were 4 electronic communications that were received from the neighbors, in support of the request.

Councilmember Rosenthal asked how the calculation of the fee was proposed and if the agreement was personal. Mr. Chandler replied the fee calculation is proportional to the area with a minimum of \$2,000 dollars. Mr. Chandler responded if the owners, Droughts, would sell the property within a three-year time period, the agreement would be voided.

Councilmember Souter added that during consideration at the Neighborhood Character and Commercial Revitalization Committee, there was concern if the title would provide information about the license. Mr. Chandler stated the license is an official recording and would surface within a title search. The license may be extended if the property was sold.

Councilmember Rosenthal stated that within the license agreement there be a notation that it is not an easement with the property but a license agreement that should be renewed by future users. City Attorney Mike Brenan confirmed the specific language that is in the proposed license agreement.

A motion for approval was made by Councilmember Souter. The motion was seconded by Councilmember Rosenthal and passed by unanimous vote.

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Staff Report

Item # 10 Mayor Cooper read the following caption.

Update on the design for a single-family residence and a detached (3) three car garage at 108 Cloverleaf Avenue as submitted by Stephen and Patricia Frank, owners, on a property zoned SF – A (Single Family), residence removed as a result of court proceedings

Community Development Brian Chandler updated City Council on the design for a single-family residence at 108 Cloverleaf Avenue in the PowerPoint presentation. Mr. Chandler provided background information, elevations, and photos of the property.

Mr. Chandler informed City Council that as a result of court proceedings, the residence was demolished. The new structure was not subject to City Council compatibility review, however; Mr. Chandler wanted to update City Council of the new structure. The structure was designed by Burdick Custom Homes.

Mayor Pro Tem Harwell asked when work will commence. Mr. Stephen Frank, owner and builder, responded that work will begin within the next 3-4 weeks.

City Council thanked Mr. Frank for the design and providing a great asset to the neighborhood.

Closed Session

At 7: 23 p.m., Mayor Cooper adjourned the regular City Council meeting to conduct a closed meeting as authorized by Section 551.071 of the Texas Government Code to consult with the City's Attorneys concerning pending litigation Alamo Heights Neighborhood Committee et al v. City of Alamo Heights et al and a closed session as authorized by Section 551.071 of the Texas Government Code to consult with its City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act related to the use of City records.

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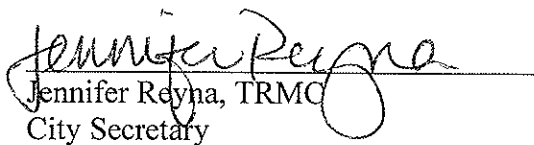
Mayor Cooper reconvened the regular meeting at 7:56 p.m. There was no action taken during the closed session.

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There being no further business, a motion was made by Councilmember McCormick to adjourn the meeting. A motion was seconded by Mayor Pro Tem Harwell and passed by unanimous vote. Mayor Cooper adjourned the meeting at 7:57 p.m.



Louis Cooper
Mayor



Jennifer Reyna, TRMC
City Secretary